

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAWN RIVERA, :

Plaintiff, :

-against- :

ORDER

DOLLAR TREE STORES, INC. STORE :

20-CV-4990 (KNF)

NUMBER 4388 D/B/A/ DOLLAR TREE, :

Defendant. :

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KEVIN NATHANIEL FOX

UNITED STATES MAGISTRATE JUDGE

By a letter dated August 6, 2021, the defendant’s counsel requested that the Court strike: (1) the plaintiff’s “Amended” response to the defendant’s motion for summary judgment filed two days after the deadline to respond while the defendant was in the process of drafting its reply due on August 11, 2021, because the plaintiff did not reach out to co-counsel and did not seek an extension of time from the Court; and (2) an untimely expert disclosure served on August 5, 2021. Docket Entry No. 37.

The plaintiff’s counsel responded by a letter dated August 9, 2021, explaining that his office contacted defense counsel on August 4, 2021, “to seek an extension of time” because counsel is “currently bedridden with COVID and my office is currently preparing for an August 23, 2021 trial.” Not having received a response, the plaintiff’s counsel filed the opposition on August 4, 2021, to comply with the scheduling order. The plaintiff seeks an order granting retroactively additional time to file her amended opposition to the summary judgment motion and to deem the August 6, 2021 filing timely, as well as to provide a reasonable amount of time to the defendant to respond to it. See Docket Entry No. 38.

The defendant's letter-motion to strike, Docket Entry No. 37, is denied as unauthorized by the local rules of this court governing electronic filings. In addition, the defendant failed to claim any prejudice from the plaintiff's amended opposition. The plaintiff's request to deem the amended opposition timely and to extend the time for the defendant to reply, Docket Entry No. 38, is granted because the plaintiff showed good cause for the extension. The defendant may file a reply to the amended opposition on or before August 25, 2021.

Dated: New York, New York
August 18, 2021

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE